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February 15, 2022

**Via ECF**

Mag. J. Jonathan W. Feldman  
U.S. Magistrate Judge, U.S. Courthouse  
100 State Street  
Rochester, NY 14614

Re: ***Horn v. Medical Marijuana, Inc., et al.***  
**Case No: 15-CV-701 (JWF)**

Dear Judge Feldman:

Plaintiff is about to file a Notice of Appeal on the limited RICO mail and wire fraud issue certified by the Court recently in ECF Doc #217.

The Court clearly and comprehensively articulated its reasons for certifying this issue for appeal.

I write to respectfully (though informally<sup>1</sup>) request whether the Court would reconsider issuing an additional Order extending that recent Decision and Order of certification, to those other narrow and dispositive issues previously dismissed [and denied certification as final] by Judge Geraci cited in the Decision. Namely, these are Plaintiff's primary claims under RICO predicated on Controlled Substances, and under NY GBL §§349 and 350.

The reason for this request to reconsider is to have one unified appeal on all issues, maximize the probability of one appeal and one trial, and minimize the spectre of any duplicative effort, on both sides. This was of course the basis for Your Honor's recent Decision.

Thanking the Court for considering this request.

Very truly yours,

*Jeffrey Benjamin*

Jeffrey Benjamin, Esq.

cc: All parties via ECF

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<sup>1</sup> Certainly if the Court requires a Motion, I will so file.

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